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20 NORTH AMERICAN COMPANY FOR
21 LIFE AND HEALTH INSURANCE

22 **UNITED STATES DISTRICT COURT**
23 **CENTRAL DISTRICT OF CALIFORNIA**

24 NORTH AMERICAN COMPANY) Case No. 5:18-cv-01421-JGB-SP
25 FOR LIFE AND HEALTH)
26 INSURANCE,) HIPAA PROTECTIVE ORDER

27 Plaintiff,

28 v.

29 KIM THO THI NGUYEN, an)
30 individual; MAI XUAN LAM, an)
31 individual,)

32 Defendants.

33 KIM THO THI NGUYEN, an)
34 individual; MAI XUAN LAM, an)
35 individual,)

36 Counter-Complainants,

37 v.

38 PHIL QUOC LE, an individual;)
39 NORTH AMERICAN COMPANY)
40 FOR LIFE AND HEALTH)
41 INSURANCE, An Iowa)

1 Corporation; and DOES 1 to 10,)
2 Inclusive,)
3 Counter-Defendants.)

4 The Court finds that good cause has been shown for entry of a HIPAA
5 protective order governing the confidentiality of documents produced and
6 information exchanged related to this case, discovery requests and responses, and
7 deposition testimony. For the purpose of protecting the interests of the parties in the
8 above-captioned matter against improper use and disclosure of protected health
9 information submitted or produced in connection with this matter, **IT IS**

10 **THEREFORE ORDERED:**

11 **(A) DEFINITIONS.**

12 “HIPAA” means the Health Insurance Portability and Accountability Act of
13 1996, codified primarily at 18, 26 & 42 U.S.C. (2003).

14 “PHI” means protected health information, as that term is used in HIPAA and
15 the Privacy Standards and defined in 45 C.F.R. §§ 160 & 164 (2003). Without limiting
16 the definition and merely for purposes of providing relevant examples, PHI includes,
17 but is not limited to, health information, including demographic information, relating
18 to either: the past, present, or future physical or mental condition of an individual; the
19 provision of care to an individual; and the payment for care provided to an individual
20 that identifies the individual or which reasonably could be expected to identify the
21 individual.

22 “Privacy Standards” means the Standards for Privacy of Individually
23 Identifiable Health Information. *See* 45 C.F.R. §§ 160 & 164 (2003).

24 “Covered entities” means those entities defined by 45 C.F.R. § 160.103 (2003).

25 **(B) TERMS AND LIMITATIONS.**

- 26 1. It may be necessary during the course of this litigation for the Parties to
27 produce, receive, subpoena, and transmit the PHI of John Ngo.
28

2. The Parties and covered entities are authorized to disclose PHI of John Ngo to the Parties or attorneys who have filed an appearance in this litigation.
3. The Parties agree not to use or disclose the PHI released for this litigation for any other purpose or in any other proceeding.
4. The Parties and their attorneys are permitted to use the PHI in any manner that is reasonably connected with this litigation. This includes, but is not limited to, disclosures to the Parties, their attorneys of record, the attorneys' firms (i.e., attorneys, support staff, agents, consultants), the Parties' insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process.
5. This order shall not control or limit the use of what would otherwise be considered PHI that comes into the possession of any Party or any Party's attorney from a source other than a covered entity.
6. The Parties agree to store all PHI while it is in their possession according to the Privacy Standards.
7. The Parties agree that with the issuance of a final order, or the extinguishment of all appeals, all Parties that obtained PHI during the course of this litigation dispose of that PHI pursuant to the Privacy Standards.

IT IS SO ORDERED.

DATED: February 22, 2019



Sheri Pym

U.S. Magistrate Judge